

DHS/CRB MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding between the State of Oregon Department of Human Services, Children Adult & Families Division, hereinafter referred to as DHS, and State of Oregon Judicial Department, Citizen Review Board, hereinafter referred to as CRB, begins upon execution of this Memorandum of Understanding by both parties and ends July 31, 2013.

By the signatures below of their authorized representatives, DHS and the CRB hereby jointly acknowledge the importance of effective and efficient review of service delivery to the children and families of Oregon in promoting improved outcomes. This Memorandum of Understanding describes protocols that CRB and DHS believe will further that goal.

1. DEFINITIONS

- 1.1 **Case Plan:** A written goal oriented, time limited individualized plan for the child and the child's family, developed by the Department and the parents or legal guardians, to achieve the child's safety, permanency and well being.
- 1.2 **Case Review (CRB review, Review):** A process by which local citizen review boards use the written Case Plan, and other supporting documents, and a scheduled meeting with parties to make the findings and recommendations required by ORS 419A.116 that are reported to the court, DHS and other parties. Case review by the CRB meets the requirements of "administrative review" under SEC. 475 of the Social Security Act and is the "case review system" described under the Act.
- 1.3 **Continuance:** A circumstance in which the case review is not concluded at the end of its regularly scheduled meeting. No written findings or recommendations are issued until after the conclusion of the case review, which is typically the following month. Subsequent review due dates will be generated from the date that the review began.
- 1.4 **Court Relief:** An option of the court when they have issued written findings required under ORS 419B.476 or substantially the same findings under ORS 419A.116, that meet the criteria for periodic review.
- 1.5 **CRB:** A program of the Court Programs & Services Division in the State Court Administrator's Office of the Oregon Judicial Department responsible for establishing and supporting local citizen review boards pursuant to ORS 419A.090. The CRB program is the case review system, required by federal law, for the state of Oregon responsible for assuring periodic review. In the context of this memorandum, "CRB" may also refer to the local citizen review board that does the case review.
- 1.6 **DHS:** For the purpose of this memorandum, reference to DHS means the Children, Adult and Families Division specifically.

- 1.7 **Early Review:** A case review set prior to the next review due date to assess an aspect of the case that has a material effect on the permanency outcome in the Case Plan.
- 1.8 **Essential Party:** A person specifically named as entitled to notice of CRB reviews pursuant to ORS 419A.098 (3); and any other parties listed by the Department of Human Services (DHS) or listed in the Court order.
- 1.9 **Findings and Recommendations:** A written report required under ORS 419A.116 that addresses reasonable efforts, case compliance, parental progress, progress toward alleviating the need for placement, the need for and appropriateness of placement a likely date to return home, and other problems, solutions or alternatives.
- 1.10 **Interpreter:** A professional person, not employed by DHS or CRB, who provides oral transfer of meaning from one language to another for a party who is Limited English Proficient (LEP)
- 1.11 **Interested Party:** A person, other than essential or legal parties, who has some connection with or knowledge of the child and family situation as it relates to the case review.
- 1.12 **Legal Party:** Those parties with legal standing before the Juvenile Court.
- 1.13 **Next Review Due Date:** The date by which the next periodic review (Court or CRB) is required by federal law.
- 1.14 **Paper Move:** A process by which the branch requests the CRB to delay scheduling of the case review and hold the paper (Case Plan and supporting documents) because there is a scheduled court hearing that is expected to meet the requirements for periodic review and there is reason to believe the court will relieve the CRB of its responsibility to review.
- 1.15 **Request for Information:** A notice from CRB to DHS indicating the CRB has preliminarily scheduled a dependency case for case review, and requesting that DHS respond with the Case Plan and supporting documents or an explanation, with supporting documentation, that the review is not required by federal law.
- 1.16 **Substitute Care:** A child in the legal or physical custody and care of the Department, including those supervised by another agency and placed in a paid or unpaid out-of-home placement, including but not limited to foster or relative placements, group homes, permanent foster care, emergency shelters, residential facilities, non-finalized adoptive placements, subsidized independent living, accredited psychiatric facilities, secure adolescent inpatient programs and secure children's inpatient programs.

2 ISSUES OF GENERAL APPLICATION

- 2.1 CRB and DHS agree to meet no less than twice per year to address issues of mutual interest, such as successes, concerns, training needs, trends in child welfare, and advocacy opportunities.
- 2.2 DHS will assist the CRB, when requested, in recruitment of board volunteers by making recommendations of potential board members to CRB field staff whenever possible.
- 2.3 CRB and DHS will endeavor to address any future concerns or needs that may arise regarding the subject matter of this Memorandum of Understanding on an as-needed basis and at local levels, when appropriate. However, CRB and DHS acknowledge recommended or desired changes to protocols, even at local levels, must receive the approval necessary or required by the policies and practices of CRB and DHS policy before such changes are implemented.
- 2.4 CRB and DHS acknowledge that it is important to provide local courts with a balanced perspective regarding the processes by which CRB reviews are conducted. Therefore, CRB and DHS will each include the other as a participant in meetings with the local courts in which CRB Review policies and/or procedures are anticipated to be discussed.
- 2.5 CRB and DHS will share training they provide to staff and volunteers of their respective programs to promote understanding of practice and improve the review system.

3. BEFORE THE REVIEW

- 3.1 CRB and DHS agree that reviews will not be scheduled and will be set over to the following month by the CRB if the completed "Request for Information" (CRB Form 700) and current Case Plan are not received in the CRB office by 5 p.m. the 21st day prior to the scheduled review date.
- 3.2 21 days prior to any scheduled review, DHS will provide CRB a completed "Request for Information" for each matter to be reviewed. When DHS transmits to CRB each completed "Request for Information", DHS will include its recommendation of other interested parties, including any recommended by CRB.
- 3.3 CRB will provide written notice to parties listed on each completed "Request for Information" at least 15 days prior to the scheduled review.
- 3.4 If, after its receipt of a completed Request for Information, the CRB learns of a party requesting to be heard and who is not listed on the Request for Information, CRB will notify DHS of the party's request. CRB will consider hearing from interested parties not listed on the Request for Information as allowed by the Supreme Court Operating Rules for Local Citizen Review Boards.

- 3.5 CRB schedules initial reviews for a minimum of 40 minutes and subsequent reviews for a minimum of 25 minutes. If DHS believes a matter requires additional time for a review, it will indicate that belief on the Request for Information completed by DHS for that matter.
- 3.6 If DHS is aware of special circumstances at the time it transmits a completed Request for Information in a particular matter, DHS should include the information related to those circumstances at that time. If either CRB or DHS become aware of special circumstances with respect to a particular matter within 21 days of a scheduled review, each will alert the other of those circumstances by telephoning the appropriate person within CRB or DHS.
- 3.7 DHS will notify the CRB if an interpreter is needed on the Request for Information; CRB will arrange for an interpreter. If an interpreter is needed, but not requested by DHS, the board will continue the review until an interpreter can be scheduled.
- 3.8 If a permanency hearing or a complete judicial review hearing is scheduled prior to the next review due date or in the 30-day grace period after the next review due date, DHS will submit a request for a paper move. This request for paper move should include the Request for Information and the current case plan and is due 21 days prior the scheduled CRB review. The CRB will paper move the case pending the hearing. Following the court hearing, DHS will provide the CRB with a copy of the judgment or order. Upon receipt of the judgment or order, CRB will set the next review due date to be six months from the court hearing. If the Court included in the judgment or order a request for the CRB to review the case at an earlier date, the CRB will set the next review due date to coincide with the judgment or order. If DHS fails to provide the judgment or order, the CRB review that was paper moved may be held.
- 3.9 DHS will submit to CRB the following material with the Request for Information and the current Case Plan, as available, to be received by the CRB no later than 21 days prior to each review:
 - 3.9.1 For matters receiving their first CRB review:
 - 3.9.1.1 Petitions and Court Orders
 - 3.9.1.2 Action Agreements and Family Support Service Agreements
 - 3.9.1.3 Assessments and/or evaluations (both children and parents)
 - 3.9.1.4 ICWA inquiry
 - 3.9.1.5 ICPC Report
 - 3.9.1.6 CASA report
 - 3.9.1.7 Service History

3.9.2 For matters which have been previously reviewed:

3.9.2.1 Any of the items listed above, as applicable, and created in the period under review.

3.9.2.2 Additional material requested by the board at a previous review for which the need to review the material has been documented.

3.10 CRB and DHS acknowledge that parties may more fully and meaningfully participate in case reviews when they are provided the opportunity to review relevant materials prior to attending reviews in which they have an interest. To achieve that level of participation, DHS will send copies of the Case Plan to parents, parent's attorneys, child's attorneys and CASAs for receipt prior to the CRB review.

3.11 Due to confidentiality requirements, the CRB does not wish to receive information regarding the HIV status of parents and children; DHS agrees NOT to include this information in reports and other materials submitted to the board.

4. AT THE REVIEW

4.1 DHS will attend scheduled CRB reviews. The case-carrying worker is expected to attend; if he/she cannot attend, a knowledgeable substitute worker or supervisor will attend. Supervisors may attend any review. If the case has another worker, such as an adoption worker, ICPC worker or courtesy worker, that worker should also participate in the review.

4.2 DHS agrees that workers will bring the current volume of the case file to the CRB review, if the file is available.

4.3 CRB will encourage an open forum while discussing and reviewing a case. If a party wishes to speak privately with the board, or provides written information to the board, or the board wishes to speak privately with the party, the CRB may consider that information in making a decision. In making a finding or recommendation, CRB will disclose the information upon which it relied as required by the CRB Program policy and procedure.

4.4 CRB will make the Findings and Recommendations verbally at the review when all parties are present, unless CRB, in its sole discretion, finds it impracticable.

4.5 CRB will identify those recommendations that are not within the authority or ability of DHS to implement and CRB agrees to direct issues of general concern (for example, resource needs) to the appropriate forum.

4.6 CRB and DHS acknowledge that the children and families whose cases are undergoing review will be best served by a joint effort by CRB and DHS to maintain the focus of the proceedings on issues germane to the achievement of the safety, well-being, and permanent plan for the children under review.

- 4.7 CRB agrees to grant continuances only under the following circumstances:
 - 4.7.1 The tribe with standing in the case was not notified.
 - 4.7.2 There is a need for an interpreter and one is not available.
 - 4.7.3 The board is unable to make its required findings.
- 4.8 CRB and DHS will make every effort to avoid the necessity for continuances.
- 4.9 CRB and DHS agree that the time of the parties to the case is valuable. As such the CRB will attempt to schedule early reviews only in the following circumstances:
 - 4.9.1 By order of the Juvenile Court
 - 4.9.2 Upon request by a person with legal standing in the case.
 - 4.9.3 Upon recommendation by the board, at a regularly scheduled review, when there is a material concern regarding the permanency outcome and there is cause to believe that an early review will advance the permanency plan. Such a request will be documented in the Findings and Recommendations document.
- 4.10 Before scheduling an early review under 4.9.2 or 4.9.3, CRB field staff will review the request with the DHS Supervisor to determine if the material concern has been addressed and whether an early review continues to be warranted.
- 4.11 CRB will not schedule early reviews to address the following:
 - 4.11.1 Issues pertaining to criminal charges pending or decided. These issues are to be resolved in the court.
 - 4.11.2 Issues pertaining to caseworker supervision issues. Boards are encouraged to resolve these issues by direct contact with the worker's supervisor.

5. AFTER THE REVIEW

When the CRB receives a written response from DHS to a CRB Finding or Recommendation, the board will discuss the response at its next regular meeting date. The DHS response, along with the action taken by the board, will be forwarded to the court, DHS, and interested parties within fourteen (14) days of the board's review of the response.

6. TITLE IV-E COST REPORTING

6.1 Purpose:

This Memorandum of Understanding establishes a procedure for CRB to report

to DHS the CRB expenditures that qualify for Federal Financial Participation under Title IV-E. These CRB expenditures shall include costs associated with administering and conducting foster care administrative reviews and Title IV-E Training. DHS will include CRB's Title IV-E costs in DHS's cost allocation process.

6.2 CRB Responsibilities:

- 6.2.1 CRB will provide, to DHS's General Accounting Unit, quarterly reports on CRB's Title IV-E costs.
- 6.2.2 CRB will not report any expenditure that has been included in any other Federal reimbursement or matching funds claim.
- 6.2.3 CRB shall be responsible for repayment of any Title IV-E funds received by CRB that are the result of CRB Title IV-E costs disallowed as a direct result of a federal or state audit of CRB financial records.
- 6.2.4 CRB will report quarterly to DHS the number of DHS children reviewed.

6.3 DHS Responsibilities:

- 6.3.1 DHS will include CRB's Title IV-E costs in DHS's cost allocation process. DHS's cost allocation process culminates in the filing of the Title IV-E-12 report to claim federal IV-E funds.
- 6.3.2 DHS reserves the right to withhold the CRB related costs from the federal claim if and only if the CRB Title IV-E claim will result in a loss of the Title IV-B transfer authority. DHS shall notify CRB within five (5) days of DHS's receipt of information which could reasonably indicate that DHS would withhold CRB Title IV-E costs.

6.4 Joint Responsibilities:

- 6.4.1 CRB and DHS will cooperate in identifying which CRB expenditures are allowable IV-E costs. (Some examples of costs that are not allowable IV-E costs are: any interest expenses; mass transit taxes; and, capital expenditures greater than \$5,000.)
- 6.4.2 All funds realized by DHS, from claiming CRB allowable IV-E costs, will be transferred to CRB. CRB will treat the transaction as a "transfer in" for Department of Administration accounting purposes, and DHS will treat the transaction as a "transfer out" for accounting purposes. CRB will deposit such funds to the credit of the State of Oregon's CRB IV-E Operating Account.
- 6.4.3 The Oregon Judicial Department, on behalf of CRB, and DHS agree to engage in subsequent discussions concerning possible uses of state general funds that may become available for allocation by the legislature

or the legislative Emergency Board in the event that the Title IV-E funds being sought under this Memorandum of Understanding are received by CRB.

7. JOINT DEVELOPMENT OF ELECTRONIC INFORMATION SHARING SYSTEMS

- 7.1 CRB and DHS agree that collaboration in data sharing is paramount in improving permanency outcomes and is consistent with 1.1 of this agreement.
- 7.2 CRB and DHS agree to work collaboratively on planning and implementing changes in case management systems and electronic content management within their respective organizations and will work to ensure compatibility for sharing information.

The parties understand that this MOU is not legally binding on them. Rather, it is designed to reflect an understanding of the way in which they may successfully cooperate to provide effective and efficient case review of foster care in Oregon. Nothing in the MOU restricts any party from exercising independent judgment or discretion given it under applicable statutes, regulations, or other sources.

Reviewed by DHS Contract Officer: _____ Date: _____

AGREED: Citizen Review Board

By: JMK

Date: 11.17.11

Name: Leola McKenzie

Title: Director of Juvenile Court Programs

AGREED: Department of Human Services

By: Lois Ann Day

Date: 11/7/11

Name: Lois Ann Day

Title: Director for Department of Human

Services Child Welfare Services



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